

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID BOCHENEK, ON BEHALF OF PLAINTIFF)		
AND A CLASS)		
Plaintiff,)		
)		Case No.: 13-cv-7394
v.)		
)		The Honorable Robert W. Gettleman
BEAUTE EMERGENTE, LLC D/B/A MCADOO)		
COSMETIC SURGERY, <i>ET AL.</i> ,)		
Defendants.)		

MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS

Now come Anthony M. Sciara, James A. Shapiro, and Robinson Shapiro & Schwartz, LLC (collectively “Counsel”), in accordance with Local Rule 83.17, and for their Motion for Leave to Withdraw as Counsel for Defendant BEAUTE EMERGENTE, LLC D/B/A MCADOO COSMETIC SURGERY (“McAdoo”), state as follows:

- 1) On December 10, 2013, Counsel filed an appearance on behalf of McAdoo in the above-captioned putative class action (“Class Action Case”).
- 2) On December 12, 2013, this Court entered an order that, among other things, granted McAdoo leave to file a responsive pleading by January 15, 2014.
- 3) McAdoo did not file a responsive pleading. Instead, on January 17, 2014, McAdoo filed a Bankruptcy Petition (Chapter 7) in the United States Bankruptcy Court for the Northern District of Illinois (“Bankruptcy Court”).
- 4) On January 23, 2014, this Court entered an order, which nonetheless gave Plaintiff leave to file an amended complaint by February 28, 2014.

5) On February 24, 2014, upon information and belief,¹ the Bankruptcy Court entered an order, which lifts the automatic stay – to the extent of any insurance coverage – in the Class Action Case and a related declaratory judgment action in the Circuit Court of Cook County, Illinois.

6) After consulting with McAdoo, Counsel has been instructed to withdraw as counsel of record for the Class Action Case. Among other things, as filing the Bankruptcy Petition suggests, McAdoo does not have the ability to pay Counsel's attorney's fees.

7) Counsel has provided a copy of this motion to McAdoo and McAdoo's bankruptcy counsel via email and the United States Mail.

WHEREFORE, Anthony M. Sciara, James A. Shapiro, and Robinson Shapiro & Schwartz, LLC, respectfully request that this Court (1) grant them leave to withdraw as counsel for Defendant BEAUTE EMERGENTE, LLC D/B/A MCADOO COSMETIC SURGERY; (2) grant Defendant BEAUTE EMERGENTE, LLC D/B/A MCADOO COSMETIC SURGERY a reasonable period of time to have new counsel file an appearance or file a pro se appearance; and (3) extend any and all pleading and/or discovery deadlines until a reasonable period of time following the deadline for a new appearance to be filed.

¹ Counsel has communicated with Plaintiff's counsel and McAdoo's bankruptcy counsel regarding the Bankruptcy Court's ruling, but has not actually reviewed any order entered by the Bankruptcy Court.

Respectfully submitted,
ANTHONY M. SCIARA
JAMES A. SHAPIRO, AND
ROBINSON SHAPIRO & SCHWARTZ, LLC

By: /s/Anthony M. Sciara
Anthony M. Sciara

By: /s/James A. Shapiro
James A. Shapiro

James A. Shapiro (6191687)
Anthony M. Sciara (6290715)
ROBINSON SHAPIRO & SCHWARTZ, LLC
208 South LaSalle Street
Suite 1750
Chicago, Illinois 60604
312-985-9395
jshapiro@rss-lawyers.com
asciara@rss-lawyers.com